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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,855	10/18/2006	Kenji Otoda	49288.1600	4197
	7590 09/27/201 MER L.L.P. (Main)	EXAMINER		
400 EAST VAN	N BUREN		DEXTER, CLARK F	
ONE ARIZONA CENTER PHOENIX, AZ 85004-2202			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			09/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/554,855	OTODA ET AL.	
Examiner	Art Unit	

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1. ☑ The nepty was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.114. The reply must be filed within one of the following time periods: a ☐ The period for reply expiresmonths from the mailing date of the final rejection. b ☐ The period for reply expiresmonths from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRAL REJECTION. See MPEP 708.07(1). Extensions of time may be obtained under 37 CFR 1.158(a). The date on which the petition under 37 CFR 1.158(a) and the appropriate extension fee barder 37 CFR 1.17(a) is calculated form: (1) the expiration date of the shortened stabutory period for the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated form: (1) the expiration date of the shortened stabutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if immy shortened stabutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection of final rejection of the final rejection of the final rejection of the final rejection of final rejection of the final rejection of the final rejection of final rejection of the final rejec	The MAILING DATE of this communication appears on the co	ver sheet with the correspondence address			
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.13 (or 3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply exprise a "months from the mailing date of the final rejection." b) The period for reply exprise a "months from the mailing date of the final rejection. In one event, however, will the situation period for reply exprise later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b) CNLY CHECK BXX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(j). The date on which the petition under 37 CFR 1.136(j) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if simely filed, may reduce any estimate the mailing date of the final rejection, even if simely filed, may reduce any estimate the mailing date of the final rejection, even if simely filed, may reduce any estimate the mailing date of the final rejection, even if simely filed, may reduce any estimate the mailing date of the final rejection, even if simely filed, may reply must be filed within the time period set forth in 37 CFR 41.37(a). MONTHS OF THE ATT AND A STATE AND A STATE ATT AND	THE REPLY FILED <u>02 September 2010</u> FAILS TO PLACE THIS APPLICATIC	ON IN CONDITION FOR ALLOWANCE.			
The period for reply expiresmonths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. The property of the control of the property of property of property of property or property of property or property of property or property of property or property or property or property or property or property of property or propert	application, applicant must timely file one of the following replies: (1) an a application in condition for allowance; (2) a Notice of Appeal (with appeal for Continued Examination (RCE) in compliance with 37 CFR 1.114. The	amendment, affidavit, or other evidence, which places the I fee) in compliance with 37 CFR 41.31; or (3) a Request			
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2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid disnissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: The amendment raises new issues; for example, the changes to claim 1 raise new issues that require at least further consideration. (See 37 CFR 1.16 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 8. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: None. Claim(s) allowed: None. Claim(s) allowed: None. Claim(s) withdrawn from consideration: 5.6.8-28.31.38-48.53.54.56-79 and 84-96. AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered bec	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the peti have been filed is the date for purposes of determining the period of extension and the cunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statuto set forth in (b) above, if checked. Any reply received by the Office later than three monthmay reduce any earned patent term adjustment. See 37 CFR 1.704(b).	corresponding amount of the fee. The appropriate extension fee by period for reply originally set in the final Office action; or (2) as			
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